

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Ricardo Tyre Melvin

Docket No. 7:99-CR-3-6

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ricardo Tyre Melvin, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess With Intent to Distribute Cocaine Base, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 27, 1999, to the custody of the Bureau of Prisons for a term of 264 months. On July 14, 2009, pursuant to 18 U.S.C. § 3582(c)(2), the court amended the judgment and reduced the term of imprisonment to 152 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Richardo Tyree Melvin was released from custody on March 22, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Melvin has completed 18 months of supervised release and has not incurred any violations prior to this incident. He has completed one year of urinalysis without any indications of illegal drug use. He has displayed a cooperative attitude and willingness to comply as directed. He has struggled with maintaining a stable residence and securing employment, and has now enrolled in school.

However, on September 20, 2011, he reported to the probation office and submitted to urine testing, which indicated a positive results for marijuana use. When questioned about the test results, he immediately admitted using marijuana at a party, and attributed his use to stress and other issues in his life. Therefore, we are recommending the court continue his term of supervision and impose a condition requiring Melvin to serve two days in jail as a sanction for this violation. He has been reinstated in the outpatient testing and treatment program to address any further issues involving substance abuse.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER Mr. Melvin's term of supervised release to be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: September 23, 2011

ORDER OF COURT

Considered and ordered this 29th day of September, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge